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MAR 1 2001

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

COUNSEL

**WILLIAM M. BARNARD
JAMES K. EDMUNDSON
HENRY E. CRAWFORD**

March 1, 2001

Magalie Roman Salas, Esquire
Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-A325
Washington, D.C. 20554

**Re: Blue Sky Broadcasting, Inc.
KPND, Sandpoint, ID
Facility ID No. 5992
CORRECTION TO PETITION FOR RULE MAKING**

Dear Ms. Salas:

Transmitted herewith on behalf of Blue Sky Broadcasting, Inc. ("Blue Sky"), licensee of FM Station KPND, Sandpoint, ID, is a correction to the petition for rule making filed on its behalf on February 20, 2001.

The petition requests amendment of the FM Table of Allotments to substitute Channel 237C for Channel 237C1 at Sandpoint, ID and modification of the KPND(FM) license to the higher class channel, and, to accommodate that change, substitution of Channel 236C3 for Channel 237C3 at Orofino, ID and modification of the license of KLER-FM, Orofino, ID to specify Channel 236C3.

The petition contained typographical errors on page 1 and in the transmittal letter, which incorrectly showed the present channel for KPND(FM) as Channel 237C3 instead of Channel 237C1. A corrected copy of the petition is attached hereto. Also attached is a copy of the receipt-stamped transmittal letter, which has been hand-corrected to show the present KPND(FM) channel as Channel 237C1.

Kindly associate this corrected petition with the file. We apologize for any inconvenience.

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Magalie Roman Salas, Esquire

March 1, 2001

Page 2

Should there be any questions or correspondence with respect to this submission, please contact undersigned counsel directly.

Sincerely yours,

A handwritten signature in cursive script that reads "Ellen Mandell Edmundson".

Ellen Mandell Edmundson

Attachments

Cc (w atts): John Karousos (by hand delivery)
KPND(FM)(LPF)
KLER-FM

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MAR 1 2001

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

~~C O N F I D E N T I A L~~

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of) MM Docket No. ____
) RM-_____
Amendment of Section 73.202(b),)
FM Table of Allotments)
(Sandpoint, Idaho))

To: Chief, Policy and Rules Division
Allocations Branch
Mass Media Bureau

PETITION FOR RULE MAKING

Blue Sky Broadcasting, Inc. ("Blue Sky"), licensee of FM Station KPND, Channel 237C1, Sandpoint, ID (Facility ID No. 5992), by its attorney and pursuant to Section 1.420(g)(3) of the Commission's Rules, respectfully petitions for a rule making to amend the FM Table of Allotments ("FM Table"), to substitute Channel 237C for Channel 237C1 at Sandpoint, ID, and to modify the license for KPND(FM) to the higher class channel. To accommodate the change at Sandpoint, Blue Sky further requests the substitution of Channel 236C3 for Channel 237C3 at Orofino, ID, and modification of the license of KLER-FM, Orofino, ID to specify Channel 236C3.

In support hereof, the following is respectfully shown:

Blue Sky is the licensee of FM Station KPND, Channel 237C1, Sandpoint, ID. By the instant petition, Blue Sky seeks an amendment to the FM Table, to specify Channel 237C in lieu of Channel 237C1 at Sandpoint, ID.

The Technical Exhibit attached hereto shows that Channel 237C can be allotted at Sandpoint, ID, with a site restriction based on reference coordinates 36.35 km. east of

Sandpoint, if Channel 236C3 is substituted for Channel 237C3 at Orofino, ID, and the license of KLER-FM, Channel 237C3, Orofino, ID, is modified to specify Channel 236C3 at the present KLER-FM site.¹ Blue Sky agrees to reimburse the licensee of Station KLER-FM for the reasonable costs of changing its channel to Channel 236C3 to accommodate the proposed upgrade of KPND(FM).

The Technical Exhibit further shows that the proposed allotment, with the site restriction proposed above, can be made consistent with applicable coverage requirements, and in accordance with domestic and international spacing requirements, using the following reference coordinates:

48-11-20 N. Lat.
116-04-51 W. Long.

KPND(FM) is located within the Canadian border area. Accordingly, coordination with Canada will be required.

Grant of the instant request will serve the public interest by enabling KPND(FM) to improve its service to the public.

If the subject proposal is adopted, Blue Sky will promptly file an application to modify KPND(FM) to increase its facilities to Channel 237C.

WHEREFORE, the premises considered, Blue Sky respectfully requests that the Commission issue a Notice of Proposed Rule Making and Order To Show Cause,

¹ 46-28-09 N. Lat.; 116-16-40 W. Long.

proposing the channel substitutions set forth herein.

Respectfully submitted,

BLUE SKY BROADCASTING, INC.

By 

Ellen Mandell Edmundson
Its Attorney

Smithwick & Belendiuk, P.C.
5028 Wisconsin Avenue, N.W., Suite 301
Washington, D.C. 20016
(202) 363-4050

February 20, 2001

TECHNICAL EXHIBIT

PETITION TO MODIFY
FM TABLE OF ALLOTMENTS

PROPOSED CHANNEL SUBSTITUTION

Proponent: Blue Sky Broadcasting, Inc.

NARRATIVE

This statement is part of a technical exhibit prepared on behalf of Blue Sky Broadcasting, Inc. ("Blue Sky"), licensee of FM station KPND, Channel 237C1, Sandpoint, Idaho, in support of a petition to modify the FM Table of Allotments (47 C.F.R. § 73.202).

Blue Sky proposes that the following changes to the FM Table of Allotments be made:

<u>City</u>	<u>Present</u>	<u>Proposed</u>
Sandpoint, Idaho	237C1, 273A	237C, 273A
Orofino, Idaho	237C3, 253A	236C3, 253A

Specifically, Blue Sky requests modification of the Table of Allotments by substituting Channel 237C for Channel 237C1 at Sandpoint, so that KPND may be modified to the higher station class. In order to accommodate the Sandpoint change, Blue Sky further requests substitution of Channel 236C3 for Channel 237C3 at Orofino, Idaho, which will require modification of KLER-FM, Channel 237C3, Orofino, ID, to operate on Channel 236C3.

A technical review of the FM channel allotments and spacing requirements reveals that Channels 237C and 236C3 can be allotted to the respective stations in compliance with the Commission's rules.

The proposed allocation for Channel 237C at Sandpoint, Idaho can be made with a site restriction of 36.35 kilometers to the east of Sandpoint, Idaho at the following geographical coordinates:

48-11-20 N. Latitude

116-04-51 W. Longitude.

Attached as Exhibit E-1 is an FM channel spacing study conducted at the above coordinates in support of the allotment of Channel 237C at Sandpoint, Idaho.

Additionally, Channel 236C3 can be allotted to Orofino, Idaho at the licensed transmitter site of KLER-FM using the following geographical coordinates:

46-28-09 N. Latitude

116-16-40 W. Longitude.

Attached as Exhibit E-2 is an FM channel spacing study conducted at the above coordinates in support of the allotment of Channel 236C3 at Orofino, Idaho.

A clear line-of-sight path exists between the community of Sandpoint, Idaho and the proposed allocation point for Channel 237C.

Exhibit E-3 is a map which demonstrates that "city of license" coverage requirements from the proposed Sandpoint, Idaho allotment point for Channel 237C is achieved.

Sandpoint, Idaho, is located within 320 km. of the US-Canadian border. Coordination with Canada will be required. The instant proposal would be consistent with relevant international standards.

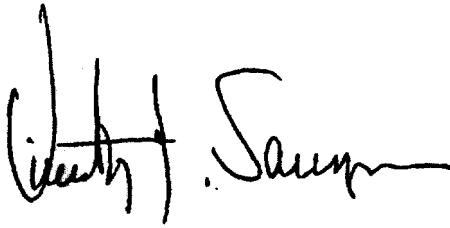
SUMMARY

Channel 237C can be allotted to Sandpoint, Idaho and Channel 236C3 can be allotted to Orofino, Idaho in compliance with the Commission's rules (including international agreements).

Further information, if required, concerning the technical merits or methods employed in the preparation of this narrative may be obtained by contacting the office of the undersigned.

I, Timothy Z. Sawyer, state that I have prepared this technical narrative and its associated exhibits, and that I believe the statements contained herein to be true and correct to the best of my knowledge and belief.

February 16, 2001

A handwritten signature in black ink, appearing to read "Timothy Z. Sawyer". The signature is fluid and cursive, with the first name "Timothy" and last name "Sawyer" clearly distinguishable.

Digitized Signature - Original ON FILE - Timothy Z. Sawyer

Timothy Z. Sawyer

T.Z. Sawyer Technical Consultants
5272 River Road, Suite 460
Bethesda, MD 20816
Tel.: (301) 913-9287
E-mail to: engineers@sawyer.com

Exhibit E-1

T.Z. Sawyer
Technical Consultants
Chevy Chase, MD

FM SEPARATION STUDY CHANNEL 237C, SANDPOINT, IDAHO

Job Title :KPND ALLOCATION POINT CH. 237C					Separation Buffer 64 km		
Channel 237C (95.3 MHz)					Coordinates : 48-11-20 116-04-51		
Call	City	Channel	ERP(kW)	Latitude	Bearing	Dist.	Req.
Status	State	FCC File No.	Freq.	HAAT(m)	Longitude	deg-Tru	(km) (km)

CBTAFM	Trail		235C	13.5	49-05-26	308.8	162.68 153
	BC		94.9	445.0	117-49-08		9.68 CLOSE
**KLERFM	Orofino		236C3	2.3	46-28-09	184.5	191.78 176
LIC	ID	BLH960726KB	95.3	206.0	116-16-40		15.78 CLEAR
CBUBFM	Osoyoos		237A	.235	49-06-08	292.9	276.95 242
	BC		95.3	-76.0	119-34-38		34.95 CLEAR
	Lethbridge		238C		49-42-00	53.5	291.26 241
	AB		95.5	.0	112-50-00		50.26 CLEAR
	Trail		239C		49-05-26	308.8	162.68 153
	BC		95.7	.0	117-49-08		9.68 CLOSE
	Trail		239C		49-05-33	308.8	162.88 153
	BC		95.7	.0	117-49-12		9.88 CLOSE
KKMT	Columbia Falls		240C	56.	48-30-42	73.5	131.72 105
LIC	MT	BLH980911KI	95.9	697.0	114-22-16	SS	26.72 CLEAR

** End of separation study for channel 237C **

NOTE: SPACING FOR THIS STATION IS AS PROPOSED ON CHANNEL 236C3

Exhibit E-2

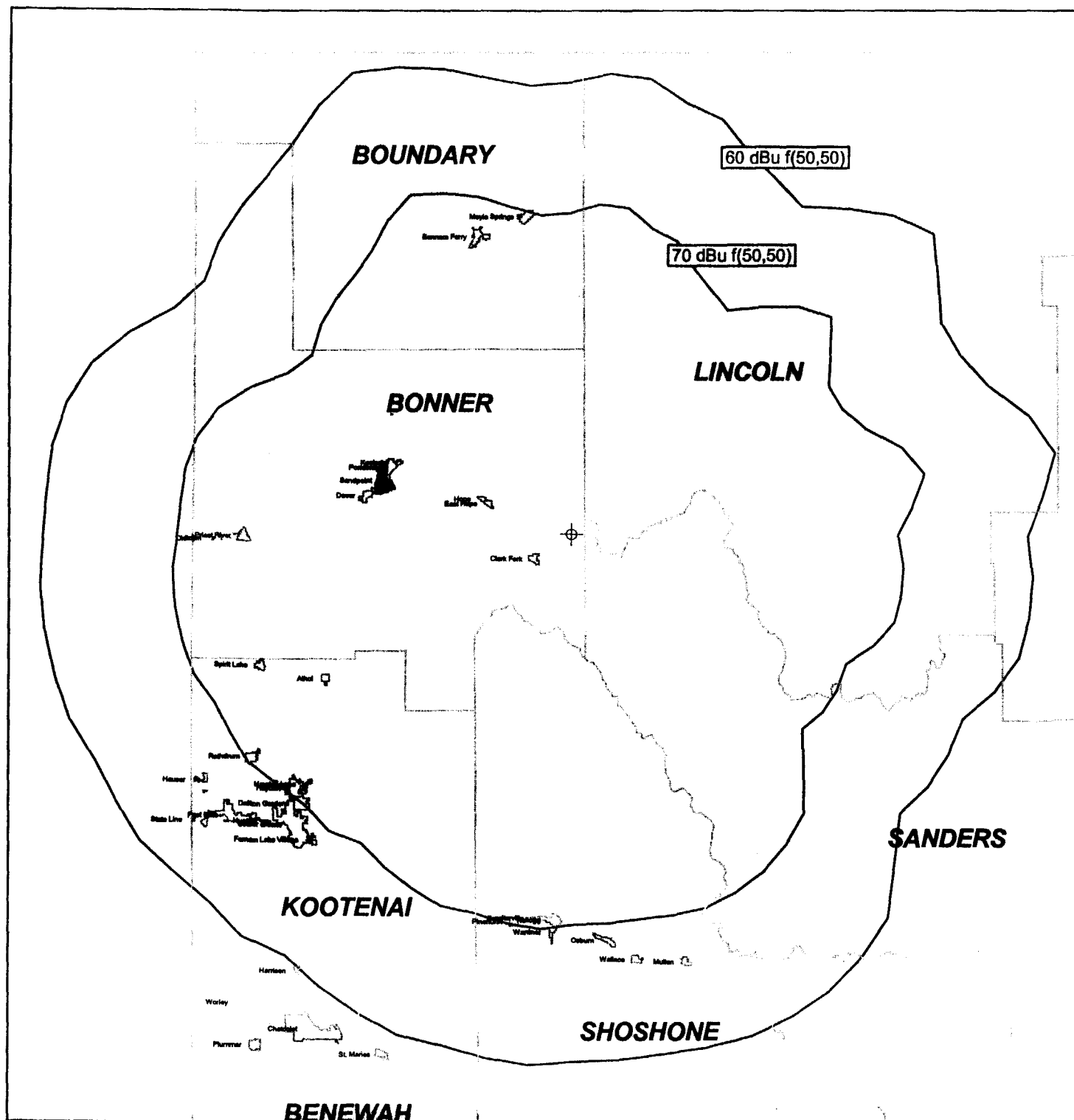
T.Z. Sawyer
Technical Consultants
Chevy Chase, MD

FM SEPARATION STUDY CHANNEL 236C3, OROFINO, IDAHO

Job Title	:KLER ON CH 236C3	Separation Buffer	32 km					
Channel	236C3 (95.1 MHz)	Coordinates	: 46-28-09 116-16-40					
Call	City	Channel	ERP(kW)	Latitude	Bearing	Dist.	Req.	
Status	State	FCC File No.	Freq.	HAAT(m)	Longitude	deg-Tru	(km)	(km)
KYSSFM	Missoula		235C	87.	46-48-08	77.3	180.38	176
CP	MT	BPH990802AB	94.9	632.0	113-58-21		4.38	CLOSE
KYSSFM	Missoula		235C	62.0	47-01-57	69.4	185.58	176
LIC	MT	BLH961025KH	94.9	749.0	113-59-30		9.58	CLOSE
**KLERFM	Orofino		236C3	2.3	46-28-09	.0	.00	
LIC	ID	BLH960726KB	95.3	206.0	116-16-40			
From Channel 237A Per 89-175								

** End of separation study for channel 236C3 **

NOTE: SPACING FOR THIS STATION IS AS PROPOSED ON CHANNEL 236C3, THIS IS THE CURRENT AND LICENSED TRANSMITTER SITE FOR KLER-FM ON CHANNEL 237C3.

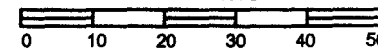


Predicted Service Contours

Channel 237C Allocation Point

Sandpoint, Idaho




Kilometers



Map Scale: 1:1,050,000

Map Source:
U.S.G.S. Digital Line Graph - 100K Series
Dept. of Commerce - TigerLine 95 Digital Data

Map Legend - Exhibit E-3

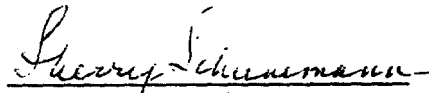
-  Predicted Service Contours
-  Allocation Point - KPND
-  Sandpoint, Idaho

*T.Z. Sawyer Technical Consultants
Bethesda, Maryland, U.S.A.*

Certificate of Service

I, Sherry L. Schunemann, a secretary in the law office of Smithwick & Belendiuk, P.C., do hereby certify that a copy of the foregoing "Petition for Rule Making" as sent by First Class U.S. Mail, postage prepaid, this 20th day of February, 2001 to the following

Mr. Jeff Jones
Station KLER(FM)
Post Office Box 32
Orofino, Idaho 83544


Sherry L. Schunemann

LAW OFFICES
SMITHWICK & BELENDIUK, P.C.

5028 WISCONSIN AVENUE, N.W.

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COUNSEL

WILLIAM M. BARNARD
JAMES K. EDMUNDSON
HENRY E. CRAWFORD

February 20, 2001

Magalie Roman Salas, Esquire
Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-A325
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FEB 20 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

**Re: Blue Sky Broadcasting, Inc.
KPND, Sandpoint, ID
Facility ID No. 5992
Petition For Rule Making**

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This submission is respectfully directed to the Chief, Policy and Rules Division, of the Allocations Branch of the Mass Media Bureau.

Kindly direct any correspondence with respect to this matter to undersigned counsel.

Sincerely yours,

Ellen Mandell Edmundson
Ellen Mandell Edmundson

Enclosure

cc (w encl.): KPND(FM) (LPF)
KLER-FM